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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,213	06/14/2000	Lee Jay Lorenzen	CCTYP001	7835

22434 7590 12/03/2003

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,213

Applicant(s)

LORENZEN ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-14 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-14 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

A RCE was received on 6/5/03. Claims 6 and 19 were cancelled.

Claim Rejections - 35 USC § 103

Claims 1-3, 8-11, 13-14, and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory '567 in view of CHIASSON '513.

Gregory discloses, inherently teaches, or makes obvious all of the limitations of the claims except the specific teaching of the use of a universal shopping cart.

CHIASSON '513 teaches a similar data center system whereby a universal shopping cart is used (See, for example, paragraphs [0100-0104]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory to use a universal shopping cart, in view of CHIASSON, in order to "greatly facilitate e-commerce between a user and multiple merchant sites" (See CHIASSON, paragraph [0104]).

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory '567 in view of CHIASSON '513 and Blinn et al.

Gregory discloses, inherently teaches, or makes obvious all of the limitations of the claims except the specific teaching of the use of a universal shopping cart and the costs including tax and shipping costs.

CHIASSON '513 teaches a similar data center system whereby a universal shopping cart is used (See, for example, paragraphs [0100-0104]).

Blinn et al. teaches a similar system whereby tax and shipping costs are included in the "cost" (See Blinn et al., Col. 23, lines 24-50, for example).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory to use a universal shopping cart, in view of CHIASSON, in order to "greatly facilitate e-commerce between a user and multiple merchant sites" (See CHIASSON, paragraph [0104]).

It would have been further obvious to one of ordinary skill in the art at the time of the invention to modify Gregory to include tax and shipping costs in the "cost", in view of Blinn et al., in order to prevent restricting a merchant's ability to promote their products (See Blinn et al., Col. 23, line 30-32).

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al. '600 in view of Wolfe et al. and Blinn et al.

Imamura et al. disclose or inherently teach all of the limitations of the claims except the specific teaching of the commerce system including a plurality of vendors (i.e., shops) and the costs including tax and shipping costs.

Wolfe et al. teach a similar data center system for linking a plurality of buyers with a plurality of vendors (i.e., dealers).

Blinn et al. teaches a similar system whereby tax and shipping costs are included in the "cost" (See Blinn et al., Col. 23, lines 24-50, for example).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Imamura et al. to have the system include a plurality of

vendors/shops, in view of Wolfe et al., in order to provide a system that efficiently connects buyers with appropriate vendors (see Wolfe et al.; Col. 2, lines 4-8 and Col. 2, lines 61-65).

It would have been further obvious to one of ordinary skill in the art at the time of the invention to modify Imamura to include tax and shipping costs in the "cost", in view of Blinn et al., in order to prevent restricting a merchant's ability to promote their products (See Blinn et al., Col. 23, line 30-32).

Re claims 7 and 12: Imamura teaches the use of a shopping cart 213 for indicating items to be purchased.

Response to Arguments

Applicant's arguments submitted 10/20/03 have been considered but are not persuasive. With respect to claim 1, applicant argues that Chiasson fails to teach the limitation lacking in Gregory because Chiasson teaches "individual purchasing steps for each item in the order list" (page 8 of applicant's response). Examiner agrees that there are a plurality of purchasing steps occurring, however, these steps are oblivious to the consumer. The reference specifically teaches a single payment operation (see Chiasson [0105]) to purchase items from a plurality of vendors. Although there may be a plurality of steps going on behind the scenes, from the perspective of the consumer, it is a single process. Therefore, the reference meets the limitation of applicant's claim 1, as presently written.

Further, when interpreted in a different light, the terminologies, "single payment process" and "single checkout procedure" can be interpreted broadly to mean multiple

steps that comprise the single process or procedure. Therefore, when interpreted this way, there could be multiple steps in the process/procedure.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

 11/25/03

F. Zeender

Patent Examiner, A.U. 3627

November 25, 2003